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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/508,952	03/28/2005	Pablo Vilato	259048US6PCT	5040

22850 7590 01/29/2007
OBLON, SPIVAK, MCCLELLAND, MAIER & NEUSTADT, P.C.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER

PAIK, SANG YEOP

ART UNIT	PAPER NUMBER
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3742

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	01/29/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

10/508,952

Applicant(s)

VILATO ET AL.

Examiner

Sang Y. Paik

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-26 is/are pending in the application.
- 4a) Of the above claim(s) 23-26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 14-16 and 18-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gressenich et al (DE 196 33 706) in view of Kosmas et al (US 6,492,624).

Gressenich shows the glass-ceramic plate claimed including a surface provide with pegs (3), at least one free strip smooth region (2) wherein a blurred view of the region is improved, the smooth region is parallel to the another surface of the plate, and is located in the plane of the peg or in a plane of the bottoms of hollow regions between the pegs wherein the pegs having the height within the claimed height. Gressenich does not show the second surface including a groove in a neighboring area opposite to the smooth region.

Kosmas shows a glass-ceramic cooktop with a second surface with a groove (3) which separates a cooking area from a control area (12) under which control elements are provided thereto (see Figure 3a).

In view of Kosmas, it would have been obvious to one of ordinary skill in the art to adapt Gressenich with the second surface with a groove formed opposite to the smooth region wherein control elements are provided thereto to prevent food spilling or grease from damaging the control areas.

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3. Claims 17 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gressenich in view of Kosmas as applied to claims 14-16 and 18-20 above, and further in view of Goetz et al (US 5,717,189) or Hoffmann (US 5,155,338).

Gressenich in view of Kosmas shows the plate claimed except for the strip to correspond to an area of a series of display modules for heating power or other information.

Goetz and Hoffmann show it is well known in the art to provide the display modules including heating powers and other information along with the control sensors to show the user the operating conditions of the device.

In view of Goetz or Hoffmann, it would have been obvious to one of ordinary skill in the art to adapt Gressenich, as modified by Kosmas, with the strip corresponding to display modules including heating powers to allow the user to conveniently better control the operating conditions of the heating device.

4. Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Gressenich in view of Kosmas as applied to claims 14-16 and 18-20 above, and further in view of Medwick et al (US 6,849,328).

Gressenich in view of Kosmas shows the plate claimed except a peelable transparent protective sheet made of polyethylene.

Medwick shows a peelable transparent protective sheet made of polyethylene that is applied to glass materials for protection against mechanical damages during handling.

In view of Medwick, it would have been obvious to one of ordinary skill in the art to adapt Gressenich, as modified by Kosmas, with the claimed protective sheet to the glass ceramic

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plate including the smooth region and any other regions to insulate the plate from damages during handling.

Response to Arguments

5. Applicant's arguments with respect to claims have been considered but are moot in view of the new ground(s) of rejection.

A new ground of rejection is made based on the Gressenich in of Kosmas to meet the newly amended claims. The applicant argues no reasonable combinations of the Gressenich and Kosmas references can be made because Kosmas does not show the recited groove in a neighboring area opposite a smooth region which is free of pegs and reserved on the first surface of a plate. This argument is not deemed. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, the Gressenich shows all the structure claimed except for the recited groove or undulation. For this deficiency, Kosmas is applied to show that it would have been obvious to provide such groove or undulation to prevent food spills or grease to come in contact with the control area where the controlling elements are provided thereto. Gressenich teaches that the area (2) is where the area where the control elements such as capacitive sensors are provided thereto. Thus, in order to safeguard the area (2) of Gressenich, a groove or undulation would be provided as done in Kosmas.

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6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a).

Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

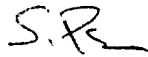
A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sang Y. Paik whose telephone number is 571-272-4783. The examiner can normally be reached on M-F (9:00-4:00) First Friday Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robin Evans can be reached on 571-272-4777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Sang Y Paik
Primary Examiner
Art Unit 3742

syp